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A LIMITED LIABILITY PARTNERSHIP

April 4, 2024

**BY CM/ECF**

Hon. John R. Tunheim  
U.S. District Court, District of Minnesota  
300 South Fourth Street, Courtroom 14E  
Minneapolis, MN 55415

Re: ***In re: Cattle and Beef Antitrust Litigation, Case No. 0:22-md-3031 (JRT/JFD).***  
**This Document Relates to: *Sysco Corp v. Cargill Inc., et al., Case No. 22-cv-01750 (D. Minn.)***

Dear Judge Tunheim:

The *Beef* defendants respectfully seek leave to file a short sur-reply to Carina's objections to Judge Docherty's order denying substitution.

On March 15, Carina sought leave to file a reply brief, and attached its proposed reply brief as an exhibit. *Dkt.* 598 (motion for leave) & 598-1 (proposed reply). On March 27, the Court granted Carina leave to file the proposed reply. *Dkt.* 616. Carina has also filed two notices of supplemental authority, which contained brief descriptions of those supplemental authorities in the cover pleadings. *Dkt.* 612, 618. As a result of these filings, Carina has supported its objections with substantially more than the 3,500 words to which the parties were limited in their opening briefs.

The *Beef* defendants submit that the Court's resolution of the objections to Judge Docherty's order would be assisted by their proposed sur-reply. First, it would restore a degree of parity in the briefing before the Court in defense of Judge Docherty's decision and in objection to it. Second, it would assist the Court by clarifying applicable precedent on substitution, which Carina characterized in its reply brief in ways that the *Beef* defendants believe to be incorrect. Third, it would allow the *Beef* defendants to respond to Carina's argument in its reply brief that it had not relied on policy considerations in seeking substitution. Fourth, it would allow the *Beef* defendants to note that Carina's supplemental authorities rest on grounds different than those relied upon by Judge Docherty.

The proposed sur-reply would contain fewer words than Carina's 1,427 word reply, and would be promptly filed if leave is granted.

The *Beef* defendants conferred with Carina in advance of making this request. Carina does not consent to the request.

Sincerely,

A handwritten signature in blue ink, appearing to be "K. Stojilkovic", with a horizontal line extending to the right.

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Kosta Stojilkovic

Cc: All counsel (via ECF)